

Notice of Allowability

Application No.

09/903,423

Examiner

Phuoc H. Nguyen

Applicant(s)

LLOYD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 4, 2007 and an interviewed set on March 12, 2007.
2. ☒ The allowed claim(s) is/are 1-8 and 14-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/6/06 & 12/1/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas B. Haverstock (Reg. No. 32,571) on March 14, 2007.

Listing of the Claims:

Claims 9-13, and 18-20 have been cancelled.

Claims 1, 14, and 17 have been amended as follow.

Claim 1 (currently amended): A method of measuring a performance of a route in an internetwork, the route coupling an internetwork server to a terminal on the internetwork, the method comprising:

at a frequently trafficked portal on the internetwork, detecting a request for a web page from the terminal, wherein the web page is at least partially stored at the frequently trafficked portal;

in response to the request for the web page, downloading the web page to the terminal via the internetwork;

from the web page, retrieving a Uniform Resource Locator (URL) for a web object referenced in the web page;

resolving the URL to the internetwork server;

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detecting a request for the web object from the terminal at the internetwork server;
in response to the request for the web object, sending the web object from the internetwork server to the terminal; [[and]]

concurrent with sending the web object, measuring a Round Trip Time (RTT) from the transmission and reception of corresponding transport protocol packets sent between the internetwork server and the terminal; and

calculating, at least from the RTT, parameters of at least part of the internetwork, wherein the parameters comprise delay, jitter, and loss.

Claims 9-13 (cancelled)

Claim 14 (currently amended): A system for measuring performance of an internetwork, the system comprising:

a frequently trafficked web portal in the internetwork;

a web page for downloading upon request and at least partially stored on the frequently trafficked web portal, the at least partially stored web page including a Uniform Resource Locator (URL) for a web object, such that the web object is not stored on the frequently trafficked web portal;

a Domain Name System (DNS) server on the internetwork, the DNS server including a reference for mapping the URL for the web object to an Internet Protocol address for an internetwork server on the internetwork;

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a web browser coupled to the internetwork, wherein the web browser is configured to send a download request for the web object to the internetwork server; [[and]]

a measurement process executed on the internetwork server, such that in response to the download request, the measurement process for measuring one or more Round Trip Times from the transmission and reception of corresponding transport protocol packets sent between the internetwork server and the web browser; and

a module for calculating, at least from the one or more Round Trip Times, parameters of at least part of the internetwork, wherein the parameters comprise delay, jitter, and loss.

Claim 17 (currently amended): A method of measuring a performance of a route in an internetwork, the route coupling an internetwork server to a terminal on the internetwork, the method comprising:

at a frequently trafficked portal on the internetwork, detecting a request for a web page from the terminal, wherein the web page is at least partially stored at the frequently trafficked portal;

from the web page, retrieving a Uniform Resource Locator (URL) for a web object referenced in the web page;

resolving the URL to the internetwork server;

detecting a request for the web object from the terminal at the internetwork server;

[[and]]

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in response to the request for the web object, measuring a Round Trip Time (RTT) from the transmission and reception of corresponding transport protocol packets sent between the internetwork server and the terminal; and

in response to the request for the web object and concurrent with measuring the RTT, sending the web object from the internetwork server to the terminal; and

calculating, at least from the RTT, parameters of at least part of the internetwork, wherein the parameters comprise delay, jitter, and loss.

Claims 18-20 (cancelled).

Examiner's Statement of Reasons for Allowance

1. This office action is in response to the amendment filed on January 4, 2007 and an interview set on March 14, 2007.
2. Applicant amended claims 1, 14, 17 and cancelled claims 9-13, 18-20.
3. Claims are allowed 1-8, and 14-17.
4. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a system and method for measuring performance of a route in an internetwork, the route coupling an internetwork server to a terminal on the internetwork. The independent claims 1, 14, and 17 identify an uniquely distinct feature "concurrent with sending the web object, measuring a Round Trip Time (RTT) from the transmission and reception of corresponding transport protocol packets sent between the internetwork server and the terminal, and calculating, at least from the RTT, parameters of at least part of the internetwork, wherein the parameters comprise delay, jitter, and loss" and in

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combination with other limitations as set forth in the independent claim. Claims 2-8, and 15-16 are allow due to dependent claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen
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March 14, 2007


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